

Peter M. Rehon (SBN 100123)
 Rogelio M. Ruiz (SBN 148500)
 REHON & ROBERTS
 A Professional Corporation
 830 The Alameda
 San Jose, CA 95126
 Telephone: (408) 494-0900
 Facsimile: (408) 494-0909

Attorneys for Plaintiffs and Judgment Creditors
 KINGSLEY CAPITAL MANAGEMENT, LLC and
 BRUCE PAINE KINGSLEY MD IRA ROLLOVER

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Kingsley Capital Management, LLC, an
 Arizona limited liability company, and Bruce
 Paine Kingsley MD IRA Rollover,

Plaintiffs,

vs.

SDH Realty, Inc., a Kentucky corporation,

Defendant.

CASE NO.: CV 11 80 091 MISC

**ORDER GRANTING JUDGMENT
 CREDITORS' EX PARTE
 APPLICATION FOR ORDER OF
 EXAMINATION OF BRIAN NELSON
 SLY, BRIAN SLY AND COMPANY, AND
 BRIAN SLY AND COMPANY, INC. IN
 AID OF ENFORCEMENT OF
 JUDGMENT, AND ORDER TO APPEAR
 FOR EXAMINATION**

Kingsley Capital Management, LLC, an
 Arizona limited liability company, and Bruce
 Paine Kingsley MD IRA Rollover,

Plaintiffs,

vs.

Wilbur A. Huff, an individual,

Defendant.

**[F.R.C.P. Rule 69; California Code of Civ.
 Proc. §§ 708.120 and 708.130; Northern
 District Local Rule 7-10]**

Honorable Magistrate Judge Nandor J. Vadas

**TO: BRIAN NELSON SLY, BRIAN SLY AND COMPANY, AND BRIAN SLY AND
 COMPANY, INC.**

The *Ex Parte* Application of plaintiffs and judgment creditors Kingsley Capital
 Management, LLC ("KCM") and Bruce Paine Kingsley MD IRA Rollover ("Kingsley IRA") for

1 Order of Examination of Brian Nelson Sly, Brian Sly and Company, and Brian Sly & Company,
2 Inc. In Aid of Enforcement of Judgment was filed with the Court on June 8, 2011, pursuant to
3 Rule 69 of the Federal Rules of Civil Procedure, Sections 708.120 and 708.130 of the California
4 Code of Civil Procedure and Rule 7-10 of the Local Rules of the U.S. District Court for the
5 Northern District of California (the "*Ex Parte* Application"). The Court having considered the *Ex*
6 *Parte* Application and supplemental materials submitted in support thereof and good cause
7 appearing:

8 IT IS ORDERED THAT:

- 9 1. Brian Nelson Sly, Brian Sly and Company, and Brian Sly & Company, Inc. shall
10 appear personally before this Court, or before a referee appointed by this Court, to
11 answer concerning property of the judgment debtors SDH Realty, Inc. and Wilbur
12 Anthony Huff (collectively, "Judgment Debtors") in your possession or control or
13 concerning a debt you owe the Judgment Debtors. The examinations shall take place
14 on Thursday, December 1, 2011, commencing at 8:30 AM and on Friday, December
15 2, 2011, commencing at 8:30 AM, until completed at the United States District Court
16 for the Northern District of California, San Francisco Courthouse, 16th Floor, 450
17 Golden Gate Avenue, San Francisco, CA 94102. Parties are to report to chambers of
18 Magistrate Judge Nandor Vadas at 8:30 AM on each of December 1 and December 2,
19 2011.
- 20 2. In aid of this Order of Examination the Court hereby authorizes: (1) the issuance of the
21 subpoena to testify in a civil action and to produce documents to Brian Nelson Sly in
22 the form attached hereto as Exhibit A; (2) the issuance of the subpoena to testify in a
23 civil action and to produce documents to Brian Sly and Company in the form attached
24 hereto as Exhibit B; and (3) the issuance of the subpoena to testify in a civil action and
25 to produce documents to Brian Sly and Company, Inc. in the form attached hereto as
26 Exhibit C.

27 The Court hereby adopts the findings and conclusions set forth in its Order in this matter
28 dated September 8, 2011, a copy of which is attached hereto and incorporated herein.

THIS ORDER MUST BE SERVED ON THE JUDGMENT DEBTORS, BRIAN NELSON SLY, BRIAN SLY AND COMPANY, AND BRIAN SLY AND COMPANY, INC. NOT LESS THAN 10 DAYS BEFORE THE DATE SET FOR EXAMINATION ABOVE IN ACCORDANCE WITH CALIFORNIA CODE OF CIVIL PROCEDURE §708.120.

IT IS SO ORDERED.

Dated: September 22, 2011



Nandor J. Vadas

United States Magistrate Judge

[Statutory Notices: California Code of Civil Procedure §708.120(e)]

NOTICE TO PERSON SERVED. If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court and the court may make an order requiring you to pay the reasonable attorney's fees incurred by the judgment creditor in this proceeding.

NOTICE TO JUDGMENT DEBTOR. The person in whose favor the judgment was entered in this action claims that the person to be examined pursuant to this order has possession or control of property which is yours or owes you a debt. This property or debt is as follows: Amounts received by you since March 14, 2008, from Wilbur A. Huff and SDH Realty, Inc. as described and referenced in the "Investment Opportunity and Risk Disclosure" dated February 2, 2008, and the "Investment Opportunity and Risk Disclosure" dated May 17, 2008, copies of which are attached hereto. If you claim that all or any portion of this property or debt is exempt from enforcement of the money judgment, you must file your exemption claim in writing with the court and personally serve a copy on the judgment creditor not later than three days

1 before the date set for the examination. You must appear at the time and place
2 set for this examination to establish your claim of exemption or your
3 exemption may be waived.

4
5 **APPEARANCE OF A CORPORATION, PARTNERSHIP, ASSOCIATION,**
6 **TRUST, OR OTHER ORGANIZATION.** It is your duty to designate one or
7 more of the following to appear and be examined: officers, directors,
8 managing agents, or other persons who are familiar with your property and
9 debts.